

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554  
FCC MAIL SECTION

Em 539  
Station

NOV 17 1992

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IN REPLY REFER TO:

Ralph A. Bohlman  
President  
The Lutheran Church - Missouri Synod  
85 Founders Lane  
St. Louis, MO 63105

94-10

Re: KFUE-AM/FM  
Clayton, MO

Dear Mr. Bohlman:

This letter is to advise you of serious questions arising from the Commission's inquiry into the employment activity of Stations KFUE-AM/FM. A Petition to Deny was filed by the NAACP against the renewal applications of the stations. The Petition asserted that Stations KFUE-AM/FM failed to adhere to the Commission's EEO Rule, 47 C.F.R. 73.2080. In December 1989, February 1990, May and July 1992, you submitted responses to staff inquiries requesting additional information and clarification regarding the stations' employment practices. We have reviewed your renewal applications, the Petition to Deny, your responses to our letters of inquiry and have concluded that we are unable to resolve certain issues without additional information from you. Accordingly, pursuant to Section 1.88 of the Commission's Rules, you are offered the opportunity to provide your views regarding the matters under investigation, especially with respect to the specific items enumerated below.

1. In your inquiry response of February 1990, you indicate that, given the specialized nature of the stations' formats, nearly all of the upper-level positions can be filled only by persons who have "either expertise in classical music (for KFUE-FM) or theological training in the doctrine of the Lutheran church (for KFUE-AM)." In your February 23, 1990 opposition, you stated that theological training was required for the following six upper-level positions at the AM station:

- 1) Station Manager (AM)
- 2) Director, Audio Resources
- 3) Announcer (Two positions)
- 4) Announcer/Program Director
- 5) Assistant Director, Development.

Please explain the duties and responsibilities of the above positions, including those aspects of the jobs which require "theological training". Likewise, for KFUE-FM, please explain those aspects of the duties and responsibilities of the salespersons (14 positions) which require knowledge of classical music.

2. Further, for the aforementioned positions at KFUD-AM/FM, specify the qualifications of each of the individuals hired for positions during the period October 1, 1986, through October 1, 1989. In particular, indicate the theological training of persons hired for the above noted AM positions. Also, indicate the classical music background of persons hired for the above noted 14 FM sales positions.

3. You indicated in your February 1990 response that a "lay station manager" was hired for KFUD in 1988. You also indicated that, "[r]ecognizing the need for greater continuity in management, in 1988 KFUD hired a lay Station Manager who has extensive prior experience in broadcasting." However, in 1989, you again hired a nonlayperson, Rev. David Schultz, as a station manager, stating that the position required Lutheran Theological training. Please explain whether this position requires theological training, and if so, why. Further, the list of hires included in your response does not show the hire of a station manager for KFUD in 1988. Provide the name and date of hire for the aforementioned layperson station manager.

4. Regarding employee referrals and referrals from the International Center of the Lutheran Church/Missouri Synod, in your inquiry response/renewal supplement of December 1989, you state that, "[v]irtually all of the employees hired within the last year came to the stations by employee referrals." In your second inquiry response you state that, "[m]any of KFUD's employees have come directly from the Center or through referrals by Center employees, throughout the license period." Please indicate which jobs, of those filled from 1987 through 1989, were filled as a result of employee referrals or by former Center employees.

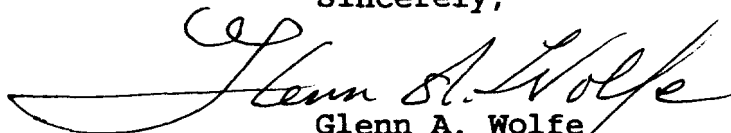
5. Lastly, in your February 1990 inquiry response you state that as an accommodation to Concordia Seminary, KFUD has tried to fill a number of non-specialized positions with seminary students or their spouses. This preference and practice appears to exclude minorities. Please identify the non-specialized positions. Explain how the above noted hiring practices comport with your EEO obligations.

Accordingly, pursuant to Section 1.88 of the Commission's Rules, prior to any designation of the case for hearing, The Lutheran Church - Missouri Synod is provided the opportunity to respond to this letter by supplying its comments and setting forth its views regarding the matters under investigation. Please number your responses to correspond to the issues raised in this letter. You may indicate any additional information you feel would be useful in helping the Commission to make a determination in this matter. You are requested to respond to the above within twenty (20) days of the date of this letter. Commission policy requires that responses to its inquiries be signed by the licensee or by an officer of the licensee corporation. In light of the serious nature of the discrepancies, and possible misrepresentations

involved, you are requested to respond to this predesignation letter under oath. Also, please send a copy of your response to

David E. Honig, counsel for NAACP. Should you have any questions regarding this matter, please contact Jamila Bess Johnson, Esquire at (202) 632-7069.

Sincerely,

A handwritten signature in cursive script, reading "Glenn A. Wolfe". The signature is written in dark ink and is positioned above the typed name and title.

Glenn A. Wolfe  
Chief, EEO Branch  
Enforcement Division  
Mass Media Bureau

cc: Reed Miller, Esquire  
David E. Honig, Esquire